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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,701	09/17/2003	Sung Uk Moon	242937US90	3971
22850	7590	01/29/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
WENDELL, ANDREW				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
01/29/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/663,701

**Applicant(s)**

MOON ET AL.

**Examiner**

ANDREW WENDELL

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/10/2008 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the one or more mobile stations" in line 13 of the claim. There is insufficient antecedent basis for this limitation in the claim. Examiner believes applicant means "plural mobile stations".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harel et al. (US Pat# 6,128,472) in view of Gosselin (WO 01/65885).

Regarding claim 1, Harel teaches a response signal relay configured to receive a plural response signals from plural of the mobile stations in the multicast group (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12), the number of the plural response signals corresponding to a total number of response signals received from the plural mobile stations and including a maximum of one response signal from each of the plural mobile stations (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12, each subscriber unit just sends one response signal, it silent about multiple response signals coming from one subscriber unit), receive a subsequent response signal to the common control signal from a second mobile station in the multicast group (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12), the second mobile station not included in the one or more mobile stations (it is obvious that another subscriber unit can sent a response signal to the message manager), and the subsequent response signal received after the plural response signals, transfer only the plural response signals 440 (Fig. 4) received from the plural mobile stations to a controller without waiting to receive the subsequent response signal (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12, obvious it sends the response signal prior to a subsequent response signal or else the response signals would never get sent), and retain (sent to message processor) the subsequent response signal to the common control signal (Col. 2 line 62-Col. 3 line 9 and Col. 4 line 36-Col. 5 line 12). Harel fails to teach a common control signal.

Gosselin teaches a control signal relay configured to transmit a common control signal to mobile stations in a multicast group (Page 4 line 30-Page 5 line 15); and a response signal relay configured to receive a predetermined number of response signals to the common control signal from plural of the mobile stations in the multicast group (Page 4 line 30-Page 5 line 15), receive a subsequent response signal to the common control signal from a second mobile station in the multicast group (Page 4 line 30-Page 5 line 15).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a common control signal as taught by Gosselin into Harel's multicast apparatus in order to reduce signaling traffic (Page 3 lines 23-26).

Regarding claim 6, Apparatus claim 6 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harel et al. (US Pat# 6,128,472) in view of Gosselin (WO 01/65885) and further in view of Kall et al. (US Pat# 7,149,195).

Regarding claim 4, Apparatus claim 4 is rejected for the same reason as apparatus claim 1 since the recited elements would perform the claimed steps. Further, Harel and Gosselin fail to teach a radio network controller.

Kall teaches the radio network controller performs a predetermined processing only on a plural response signals (Col. 4 lines 4-24) without performing the

predetermined processing on the subsequent response signal (Col. 4 lines 8-19, "when the number of mobile stations within a particular cell exceeds a threshold number...").

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a common control signal as taught by Gosselin into performing processing on only the predetermined number of response signals as taught by Harel into Kall's apparatus for multicasting in order to increase capacity (Col. 2 lines 43-61).

***Response to Arguments***

Applicant's Remarks	Examiner's Response
"Accordingly, it is respectfully submitted that Harel fails to teach or suggest a response signal relay configured to 'transfer only the plural response signals received from the plural mobile stations to a controller,' as recited in Claim 1, and as similarly recited in Claim 6."	In step 440 in figure 4 of Harel it teach plural response signals being transferred to a controller (processor).
"Therefore, Applicants respectfully submit that Harel fails to teach or suggest a base station that transfers only a predetermined number of response signals 'without waiting to receive the subsequent response signal,' as recited in independent	Examiner does not see support in the claims that teaches "a predetermined number of response signals". Examiner believes applicant is reading more into the claims than present.

Claims 1 and 6."	
"As discussed above, Harel and Gosselin fail to teach or suggest transferring only plural response signals received from plural mobile stations to a controller."	See first response above.
"Further, as noted in the previous Office Action, Kall fails to teach performing processing on only a predetermined number of response signals."	See second response above.
"Accordingly, Applicants respectfully submit that Kall fails to teach or suggest a radio network controller that is configured to 'perform a predetermined processing on only the plural response signals without performing the predetermined processing on the subsequent response signal,' as required by amended Claim 4."	Kall teaches a threshold in Col. 4 lines 8-19. After the plural signals are processed and the threshold is met then RANcast is implemented and the rest (subsequent) of the signals are not processed since the RANcast has already been implemented.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW WENDELL whose telephone number is (571)272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Wendell/  
Examiner, Art Unit 2618

/Nay A. Maung/  
Supervisory Patent Examiner, Art  
Unit 2618

1/7/2009